



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

**1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

May 2, 2013

Stephen L. Nolen
Chief, Environmental Analysis &
Compliance Branch
1645 S. 101st E. Avenue
Tulsa, OK 74128

Dear Mr. Nolen,

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Final Environmental Impact Statement (FEIS) prepared by the U.S. Army Corps of Engineers (USACE). The USACE is proposing to update the Eufaula Lake Shoreline Management Plan (SMP) Revision and the Master Plan (MP) Supplement.

In our letter dated January 17, 2013, EPA rated the DEIS as "EC-1" i.e., EPA has "Environmental Concerns" primarily due to impacts to terrestrial habitats, aquatic habitats, the federally endangered American burying beetle, fisheries, water quality, the local transportation network, and public lands from the leasing of government lands for the Carlton Landing development. EPA finds that the FEIS was somewhat responsive to our comments; however, we have additional concerns that should be addressed in the Record of Decision (ROD).

EPA provided comments regarding Tribal government-to-government consultation under Executive Order (EO) 13175. In Appendix I (page I-45), the response to comment EPA-6 does not explain how the conclusion that the proposed project would have no effect under EO 13175 was derived. Additionally, there is no information provided in the body of the FEIS, (Section 1.6, 3.6), and there are no details provided about actions taken to comply with EO 13175. In Section 7.4.2, government-to-government consultation is stated, but there are no details provided as to actions taken under EO 13175 or the results of that action, compared to actions taken under Section 106. EPA recommends that the USACE adequately respond to comment EPA-6 in the ROD and include detailed information regarding government-to-government consultation.

EPA finds that mitigation offered in Section 6.0 is lacking in substantive and specific mitigation measures for significant adverse impacts due to leasing government lands for the Carlton Landing development. EPA requests the USACE make a commitment in the ROD to identify substantive and specific mitigation measures for the following sections:

- 6.2 Vegetation, Wetlands, and Aquatic Habitats
- 6.4 Water Quality
- 6.5 Geology, Soils, and Mineral Resources

Section 7.4.3, Endangered Species Act Consultation, states the USACE will "allocate approximately 135 acres of area formerly classified as Low Density Recreation under the MP [Master Plan] to Environmentally Sensitive Area under the revised MP" to mitigate for impacts to the American burying beetle. However, a specific location is not identified. EPA recommends the USACE make a commitment in the ROD to identify a specific parcel of land that is contiguous with lands known to contain beetle populations and to closely coordinate this effort with the U.S. Fish and Wildlife Service.

EPA appreciates the opportunity to review the FEIS. If you have any questions or concerns, I can be reached at 214-665-8006 or, contact John MacFarlane of my staff at macfarlane.john@epa.gov or 214-665-7491 for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhonda Smith", with a stylized flourish extending to the right.

Rhonda Smith
Chief, Office of Planning and
Coordination